

1984

c 37 Financial Administration Amendment Act, 1984

Ontario

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CHAPTER 37

**An Act to amend
the Financial Administration Act**

Assented to June 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 3 (1) (b) of the *Financial Administration Act*, being chapter 161 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (b) securities issued or guaranteed by the United States of America.

(2) Clause 3 (1) (d) of the said Act is amended by inserting after “issued” in the second line “guaranteed”.

2. Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

(1) Where a person has an obligation or debt due to the Crown or the Crown has a claim against a person, the Treasurer may, subject to any other Act affecting such obligation, debt or claim,

Settlement of or determination of uncollectability of debts, etc.

- (a) negotiate and accept a settlement in payment and satisfaction of such obligation, debt or claim;
- (b) determine that any such obligation, debt or claim is uncollectable; or
- (c) determine that financial hardship, economic considerations or other circumstances do not warrant the collection or enforcement of any such obligation, debt or claim.

3. The said Act is amended by adding thereto the following section:

Unpaid debts
to Crown

9a.—(1) Where money that is owing by any person to the Crown or a ministry is not paid at the time for payment provided for by law or by the agreement, undertaking or arrangement under which the obligation to pay arose, the Crown or ministry to whom such payment is owed may require the payment of interest or penalty on any such unpaid amount in accordance with this section, and such interest or penalty so required to be paid is a debt due to the Crown recoverable by action or by any other remedy or procedure available by law to the Crown for the collection of debts owed to the Crown.

Exception

(2) This section does not apply to a default in payment under a statute or regulation that expressly provides for interest or penalty on such default, and does not apply to any agreement, undertaking or arrangement that expressly provides for interest or penalty payable on overdue payments, but the fact that a statute makes a default in the payment of moneys owing under it to the Crown or a ministry an offence does not prevent the imposition of interest or a penalty under this section in respect of moneys owing under that statute.

Statement
of policy

(3) The Treasurer may issue general instructions establishing a policy to govern when, at what rate, in what amount, and in what circumstances the payment of interest or penalty may be required under subsection (1).

Amount of
interest
or penalty

(4) The Lieutenant Governor in Council may by order fix a maximum rate of interest or penalty for the purpose of this section either by specifying the rate or, in lieu of a specified rate, by specifying a formula or basis for determining from time to time the rate of interest or penalty payable under this section, and may establish the method and conditions for calculating and charging any such interest or penalty, and may provide for different penalties or rates of interest to be applicable to different classes of payment or to different amounts of payment in default.

Reduction

(5) The Treasurer may, in his discretion, authorize the forgiveness or noncollection of interest or penalty payable under this section, and may authorize the charging of a lower rate of interest or amount of penalty than the maximum under this section where he considers that financial hardship, economic considerations or other circumstances warrant such authorization.

Application

(6) This section applies to the payment of interest or penalty on any amount owing to the Crown or a ministry on or after the 1st day of April, 1984 whether the obligation to pay such amount arose before or after that date.

4.—(1) Subsections 10 (1) and (2) of the said Act are repealed and the following substituted therefor:

(1) Every payment out of the Consolidated Revenue Fund shall be made by cheque or written authorization which cheque or authorization shall be signed by the Treasurer and by the Deputy Treasurer or such other officer of the Ministry of Treasury and Economics who is for the time being authorized by the Treasurer to sign cheques or authorizations.

Form of
payments
out of
Fund

(2) The Treasurer may authorize the use on cheques or written authorizations of facsimile signatures to be affixed thereto by rubber stamp or by printing, lithographing, engraving or by other mechanical means.

Signature

(2) The said section 10 is amended by adding thereto the following subsection:

(4) With the approval of the Treasurer, any fees, commissions or expenses incurred in respect of deposits to, transfers within, or payments from the Consolidated Revenue Fund, or in respect of services furnished to the Crown in the operation of any bank account established under section 2 are a charge upon and payable out of the Consolidated Revenue Fund.

Fees, etc.,
charge on
Con. Rev.
Fund

5. Section 12 of the said Act is amended by inserting after “by” in the third line “the Crown or”.

6. Section 14 of the said Act is amended by striking out “or from a federal appropriation” in the fifth line and inserting in lieu thereof “or from the sale to the public of goods purchased with such interim payment”.

7. Section 18 of the said Act is repealed and the following substituted therefor:

18. All money raised by way of loan and the interest thereon and the principal amount of and interest and premiums on all securities issued are a charge on and are payable out of the Consolidated Revenue Fund.

Money
raised,
a charge on
Con. Rev.
Fund

8. Paragraph 2 of section 19 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 66, section 1, Schedule, is repealed and the following substituted therefor:

2. By temporary loan or loans, and in any such case, unless the Lieutenant Governor in Council otherwise directs, the sums authorized to be raised by way of temporary loan, or any part thereof, may be raised by way of cheques or written authorizations

creating overdrafts and having such signatures affixed thereto as provided by section 10 as would make such cheques or authorizations, if not creating overdrafts, binding on Ontario, and all moneys paid in honouring any such cheque or in acting upon any such authorization by any bank upon which such cheque is drawn or to which such authorization extends shall conclusively be deemed to have been raised by the Lieutenant Governor in Council in pursuance of the authorizing Act.

9. Subsection 22 (2) of the said Act is amended by inserting after “cheques” in the first line “written authorizations”.

10.—(1) Subsection 23 (1) of the said Act is repealed and the following substituted therefor:

Contracts
and
agreements
for the
raising of
loans

(1) The Lieutenant Governor in Council may authorize the Treasurer or any officer of the Ministry of Treasury and Economics or of the Ministry of the Attorney General to enter into, or execute, on behalf of Ontario, such contracts, agreements and documents relating to the raising of loans or the issue and sale of securities as the Lieutenant Governor in Council approves.

(2) Subsection 23 (3) of the said Act is amended by inserting after “Economics” in the fifth line “or of the Ministry of the Attorney General”.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. The short title of this Act is the *Financial Administration Amendment Act, 1984*.